IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.501 OF 2001

Sulochana Hiraman Naik & Ors. .. Appellants.
Vs.
Yashoda Janardan Naik & Anr. .. Respondents.

Mr.Rayan D'Souza for the appellants.
Mr.R.S.Patil for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 13TH NOVEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 and 2.

2. This appeal is directed against the concurrent findings recorded by the courts below in a suit filed by the respondent-plaintiff for partition and separate possession of their share and for perpetual injunction. The learned counsel for the appellants-defendants has taken exception to the impugned judgments solely on the ground that the revenue entries cannot be held to be the conclusive proof of the marriage of Yashodabai i.e. respondent no.1 and the deceased - Janardan. He did not make any other submission. I perused the judgments and in particular the judgment of the appeal court.

Paragraph 10, 12 and 16 of the appeal court judgment deal with the evidence lead by the respondents-plaintiffs in support of their claim and in reply to the grounds of objection challenging status of Yashoda as a wife of Janardan. It is clear that the evidence of Yashoda has been corroborated by the evidence of P.W.2 Raghunath Mhatre and their evidence find support by the documentary evidence as discussed by the Court below in paragraph 16 and 17 of the judgment. In my opinion, no substantial question of law has been raised in the present appeal. Keeping that in view and considering the concurrent findings of fact recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C. to disturb the findings of fact, this appeal fails and is dismissed as such.

(D.B.Bhosale, J.)